IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WA.No. 1427 of 2007

AGAINST THE INTERIM ORDER IN WPC.9489/2007 Dated 13/06/2007

APPELLANT: PETITIONER:

M.M.TRANSPORTS,
CDEA BUILDING,OPP. FIRE STATION,INDIRA GANDHI ROAD
WILLINGTON ISLAND, KOCHI-3, REPRESENTED BY
N.MANOHARAN, PROPRIETOR.

BY ADV. SMT.M.A.VAHEEDA BABU
SRI.JAGAN GEORGE

RESPONDENTS: RESPONDENTS:

1. CONTAINER CORPORATION OF INDIA LTD.
(CONCOR), C-3, OPP. TO APOLLO HOSPITAL,
MADHURA ROAD, NEW DELHI-110044, REPRESENTED BY ITS
MANAGING DIRECTOR.

2. THE CHIEF GENERAL MANAGER,
SOUTHERN REGION, CONTAINER CORPORATION OF INDIA
LIMITED NO.51, 1ST FLOOR, MONTIETH ROAD, EGMORE,
CHENNAI-600008.

3. THE TERMINAL MANAGER,
RAIL CONTAINER TERMINAL(RCT),CONTAINER CORPORATION
OF INDIA LTD.,INDIRA GANDHI ROAD,WILLINGTON ISLAND
KOCHI-3.

4. PARAMESWARAN NAIR,
TERMINAL MANAGER, RAIL CONTAINER TERMINAL(RCT),
CONTAINER CORPORATION OF INDIA LTD., INDIRA GANDHI
ROAD, WILLINTON ISLAND, KOCHI-3.

5. BANK OF INDIA,
W/ISLAND, KOCHI, REPRESENTED BY ITS MANAGER.

BY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN,J.

W.A. NO. 1427 OF 2007

Dated this the 25th June, 2007

JUDGMENT

H.L.DATTU, C.J.

Challenging the correctness or otherwise of the interim order passed by the learned single Judge in W.P.(C) No.9589 of 2007, dated 13th June, 2007, the appellant is before us. The interim order passed by the learned single Judge reads as under:

> "Heard both sides on the question of extension of interim order. After hearing at length, I am not inclined to continue the interim order granted. Interim order is accordingly vacated."

2. Appellant before us is a contractor. He had filed the writ petition before this Court questioning the orders passed by the Chief General Manager, Container Corporation of India Ltd., dated 3.3.2007. By the said order, the Chief General Manager had cancelled the contract that was awarded to the appellant.

3. Learned single Judge while entertaining the writ petition had granted an interim order of stay, staying the order passed by the Chief General Manager, Container Corporation of India Ltd., dated 3.3.2007.

4. After service of notice, the respondents had filed counter affidavit resisting the relief sought for by the petitioner. After hearing both parties, the learned single Judge has thought it fit to vacate the interim order and while doing so, has not given any reason. This order of the learned single

Judge is the subject matter of this writ appeal.

5. Admittedly, there was an interim order in favour of the appellant/ petitioner and that has been vacated after hearing learned counsel for the parties. While doing so, in our opinion, the learned single Judge ought to have given some reasons. To put it briefly, an order passed without assigning reasons is no order in the eye of law. Therefore, it is difficult for us to sustain the interim order passed by the learned single Judge. Therefore, the appeal requires to be allowed and it is allowed. The order passed by the learned single Judge is set aside and the matter is remanded back to the learned single Judge to reconsider the matter in accordance with law.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/DK.